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Attorneys for Defendant, Wells Fargo Home Mortgage

|                           |                             |
|---------------------------|-----------------------------|
| In re:                    | :                           |
|                           | : Chapter 13                |
| Andrew C. Borden          | :                           |
|                           | : Case Number: 09-29392     |
| Debtor.                   | :                           |
|                           | :                           |
|                           | :                           |
| Andrew C. Borden          | :                           |
|                           | : Adversary Number: 09-2932 |
| Plaintiff,                | :                           |
|                           | :                           |
| v.                        | :                           |
|                           | :                           |
| Wells Fargo Home Mortgage | :                           |
|                           | :                           |
| Defendant.                | :                           |
|                           | :                           |

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3. As Paragraph 9 of the proposed (yet unsigned) Settlement Agreement between Debtor and Defendant makes clear, the payment of the settlement amount is in full satisfaction of all claims. This includes attorney's fees. A true and correct copy of the settlement agreement is attached hereto as Exhibit A.

4. Debtor improperly states that "payment of the fees within this Application are being made by the bank not the Estate." However, there is no such agreement by Wells Fargo to pay the Debtor's attorney's fees.

5. Further, the Trustee has incorrectly stated in her Limited Objection to the application that "Wells Fargo is to be responsible for the full amount." See Paragraph 1 of the Limited Objection.

6. To the contrary, the Defendant has agreed only to pay \$1,000 to settle the adversary matter. Nothing more.

WHEREFORE, Defendant Wells Fargo Home Mortgage prays that the Application seeking payment of administrative fees from Wells Fargo be denied or clarified such that payment be made from the Estate only.

Respectfully submitted,

**REED SMITH LLP**

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